

## REMARKS

Favorable reconsideration in view of the previous amendments and following remarks is respectfully requested.

The Office Action rejects claims 11-13, 15 and 20 under 35 U.S.C. §102(b) over U.S. Patent No. 5,459,944 to Tatsutani et al.; and rejects claims 14 and 16-19 under 35 U.S.C. §103(a) over Tatsutani.

Claims 11-20 are pending. By this Amendment claims 11 and 12 are amended. Support for the amendments can be found throughout Applicant's specification, and in particular, at paragraph [00021].

Applicant's independent claim 11 is directed to a hand drying apparatus comprising, in combination with other claimed features, a hand insertion chamber having a hollow portion and an opening for inserting a hand in the hollow portion. The hollow portion is defined by a first inner surface and a second inner surface. A first air opening is arranged on the first inner surface and is configured to blow a first air jet towards the second inner surface. A second air opening is arranged on the second inner surface and is configured to blow a second air jet towards the first inner surface. The first air opening is arranged at an interior side of the hollow portion with respect to the second air opening such that the axes of the first air jet and the second air jet do not collide. A portion of the first inner surface between the opening of the hollow portion and the first air opening that receives the second air jet from the second air opening is inclined toward the interior of the hollow portion.

Such features encompass Applicant's exemplary embodiment as illustrated in Fig. 1 wherein hand drying apparatus 1 includes a hand insertion chamber 2 having a first inner surface 4 and a second inner surface 6. First air opening 15 blows a first

air jet "a" towards the second inner surface 6. Second air opening 16 blows a second air jet "c" toward the first inner surface 4. The first inner surface 4 includes a sloping surface 17. The second air jet "c" from the second nozzles 16 collides with the sloping surface 17 and flows backward along the contour of the sloping surface 17 and hits and pushes the first air jet "a" from the first nozzle 15 downward. Because of the streamlined concave curvature of the sloping surface 17, no noise is produced when the second air jet "c" collides with the sloping surface 17.

In Tatsutani, a hand insertion unit 5 includes upper and lower insertion unit panels 9 constructed at the upper portion of the front of the case 6. The portion where the air flow shown by the arrows in, for example, Fig. 2, strike the unit panels 9 are not concave and instead are flat. Further, these portions are not inclined toward an interior of the hollow portion as in Applicant's independent claim 11. See e.g., Fig. 2 of Tatsutani.

The Office Action provisionally rejects claims 11-20 on the ground of non-statutory obviousness type double patenting over claims 11-21 of U.S. Patent Application No. 10/585,920. This rejection is respectfully traversed.

Claims 11-20 of U.S. Patent Application 10/585,920 do not disclose or suggest a portion of the first inner surface that receives the second air jet from the second air openings is inclined toward the interior of the hollow portion and a portion of the first inner surface that receives the second air jet from the second air opening is inclined toward the opening of the hollow portion as recited in independent claim 11 of this application. Thus, withdrawal of the obviousness type double patenting rejection is respectfully requested. In the event the Examiner maintains the

obviousness type double patenting rejection, Applicant respectfully requests that this rejection be held in abeyance because it is provisional.

The dependent claims are allowable for at least the reasons discussed above as well as for the individual features they recite. For example, dependent claim 12 recites wherein the portion of the first inner surface that receives the second air jet forms a streamlined concave curved surface. Such a feature is not disclosed in Tatsutani.

Early and favorable consideration with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: October 10, 2008

By:

A handwritten signature in black ink, appearing to be 'M. Britton', written over a horizontal line.

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